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**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of :
Thomas R. Cech et al. :
Application No. 09/721,456 :
Filed: November 22, 2000 :
Attorney Docket No. 15389-002615US :

DECISION GRANTING
PETITION

This is a decision on the petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of November 22, 2000, rather than the presently accorded filing date of November 24, 2000.


Applicants allege that the application was deposited in "Express Mail" service with the U.S. Postal Service, on November 22, 2000. In support, applicants provided a copy of the Express Mail label, receipt no. EL265822434US, showing a Date-In of November 22, 2000. The same Express Mail receipt number was referred to in the copy of the original Application Transmittal Letter submitted with the instant petition. Applicants request that the application be accorded a filing date of November 22, 2000.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on November 22, 2000.

The petition is granted. Since the petition was a result of PTO error, the \$130.00 petition fee is being credited to counsel's deposit account.

The application is being returned to Initial Patent Examination Division for correction of the filing date to November 22, 2000.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.


Sherry Brinkley
Petitions Examiner
Office of Petitions
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for Patent Examination Policy